

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 07 GJ 830
v.)	07 CR 719
)	
YASIN YASIN)	Chief Judge James F. Holderman
)	

**GOVERNMENT'S AGREED MOTION FOR AN EXTENSION OF TIME TO RETURN
INDICTMENT PURSUANT TO 18 U.S.C. § 3161(h)**

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully moves this Court, pursuant to 18 U.S.C. § 3161(h)(8), for a 90-day of time, to and including March 1, 2008, in which to seek the return of an indictment against the defendants, for the following reasons:

1. This investigation was initiated in September 2007, and involves an individual whom the government charged by way of complaint on or about November 2, 2007 with conspiring to knowingly receive, possess, conceal, store, barter, sell, and dispose of goods, wares, or merchandise of the value of \$5000 or more, which have crossed state lines after being stolen, unlawfully converted, or taken, knowing the same to have been stolen, unlawfully converted, or taken in violation of Title 18 of the United States Code, Sections 371 and 2315. As outlined in the complaint, Yasin YASIN is involved in the trafficking of stolen and fraudulently obtained cell phones. Based on the investigation to date, YASIN is involved in the distribution of wholesale quantities of stolen cell phones to distributors in New York and Los Angeles.

2. A number of factors have led to the government's request for extension. Those factors are stated in the Attachment hereto, which the government respectfully requests be placed

under seal. The government is requesting that this Attachment be sealed so as not to compromise its ongoing investigation and so as not to reveal matters occurring before the Grand Jury.

3. On or about November 2, 2007, YASIN was arrested. YASIN was released on his own recognizance and an unsecured bond of \$5000. YASIN waived his right to a preliminary hearing in this case.

4. Given the reasons stated in the government's sealed Attachment, the thirty days available to the government pursuant to Title 18, United States Code, Section 3161(b) in which to file an indictment or information against a defendant based on his arrest will not be sufficient. The United States estimates that a 90-day extension from the current expiration date of December 1, 2007, to and including March 1, 2007, will be sufficient time within which to return an indictment in this matter.

5. Among the factors identified by Congress as relevant to the determination whether time should be extended for indictment are those set forth in 18 U.S.C. § 3161(h)(8)(B), which provide in relevant part:

Whether, the failure to grant such a continuance in the proceeding would... result in a miscarriage of justice.

Whether the failure to grant such continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii),... would deny counsel for... the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §§ 3161(h)(8)(B)(i), (iv).

6. The government respectfully submits that the 180-day continuance is warranted in this case pursuant to the forgoing provisions. The government has been conducting a diligent and thorough investigation in this case, but the investigation includes a number of factors warranting an

extension of time (as cited in the government's Attachment). The government cannot complete its investigation and appropriately conclude the investigation within the time allowed under Section 3161(b) of the Speedy Trial Act as currently extended.

8. Counsel for YASIN has represented in person and in a phone call placed on or about November 28, 2007, that he does not object to the government's request for an extension of time to seek an indictment in this case.

WHEREFORE, the United States respectfully requests a 90-day extension of time from December 1, 2007 to and including March 1, 2008 in which to seek an indictment in this case.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: /s/Michael J. Ferrara
MICHAEL J. FERRARA
Assistant United States Attorney
United States Attorney's Office
219 South Dearborn Street
Chicago, Illinois 60604
(312) 886-7649

Dated: November 29, 2007

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NOTICE OF MOTION

To: Michael J. Monico
Attorney for YASIN YASIN
53 W. Jackson Blvd. Suite 1750
Chicago, Illinois 60604

Please take notice that on this 29th day of November, 2007, the undersigned filed the following documents in the above-captioned matter, a copy of which attached hereto: **GOVERNMENT'S AGREED MOTION FOR AN EXTENSION OF TIME TO RETURN INDICTMENT PURSUANT TO 18 U.S.C. § 3161(h).**

By: /s/ Michael J. Ferrara
MICHAEL J. FERRARA
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CERTIFICATE OF SERVICE

I, MICHAEL FERRARA, certify that on November 29, 2007, I caused the **Government's Agreed Motion for an Extension of Time to Return Indictment Pursuant to 18 U.S.C. § 3161(h)**: (1) to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division; and (2) a copy thereof mailed to:

Michael J. Monico
Attorney for YASIN YASIN
53 W. Jackson Blvd., Suite 1750
Chicago, IL 60604

By: /s/ Michael J. Ferrara
MICHAEL J. FERRARA
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